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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,505	06/15/2001	Philippe Roberge	209438US6XPC	5831

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EXAMINER

FERGUSON, MARISSA L

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,505

Applicant(s)

ROBERGE, PHILIPPE

Examiner

Marissa L Ferguson

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11 is rejected under 35 U.S.C. 102(b) as anticipated by Neary et al. (U.S. Patent 3,882,721). Neary et al. teaches the claimed invention as follows: the weather vane for measuring orientation of the wind comprising the rotary base (15), a vane (13) sensitive to the wind and fixed by a joint (Column 2, Lines 10-20), a heater (55) wire that is cylindrical shaped, and an insertion orifice situated at the base which is large enough for the heater wire to be inserted (see Figure 2 dotted lines through opening in vane 15).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-20 are rejected under 35 U.S. C. 103(a) as being unpatentable over Neary et al. (U.S. Patent 3,882,721) in view of Catagrel et al. (EPO 0100715).

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Regarding claims 12 and 14, Neary et al. teaches a means for connecting a heater against the interior walls of a vane (58) and a electrically insulating disc that is coated with a type of conducting grease (Column 3, Lines 1-12).

Regarding claims 13 and 16, Neary et al. teaches the claimed invention with the exception of the ceramic blocks held against two electrodes wrapped in an electrically insulating film with a positive temperature coefficient. However, electrodes that are wrapped in some type of insulation are well known and common in the art. For example, Catagrel et al. teaches a wind device that discloses ceramic blocks held against two electrodes wrapped in an electrically insulating film (21, Page 8, Lines 4-23) with a positive temperature coefficient (Page 2, Lines 31-35).

Since both Neary et al. and Catagrel et al. teach wind vane devices with heaters, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Neary et al. to include the ceramic blocks and electrodes taught by Catagrel et al. for the purpose of accurately measuring wind direction.

Regarding claims 15 and 17, Neary et al. teaches a vent (39) that appears to be opposite the insertion orifice (See Figure 2) and wherein the heater has some type of thickness (it is obvious that the heater has some thickness).

Regarding claims 18 -20, Neary et al. teaches a heater that has a perpendicular profile with an ogive shape (56, Figure 3) and a vane that is in a shape of a tube with an inserted heater (See Figure 2), wherein the tube is minimized in a region of a leading edge of the vane (Figure 3).

Response to Arguments

3. Applicant's arguments filed 12/19/02 regarding claim 11 have been fully considered but they are not persuasive. In response to applicant's argument, the Neary et al. appears to teach an insertion orifice located near the base shown in Figure 2, wherein the vane (13) is clearly inserted through a base or plate (11) in which the wire is inserted through an opening in the vane (See element 15).
4. Applicant's arguments with respect to claims 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (703) 305-3194. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Marissa L Ferguson
Examiner
Art Unit 2855

MLF

March 11, 2003

Hezron Williams
HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
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Examiner
Art Unit 2855